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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION and)
PEOPLE OF THE STATE OF NEW YORK,)
)
Plaintiffs,)
)
v.)
)
TRANS-ASIAN COMMUNICATIONS, INC.,)
RAJ TELEKOM, INC., TRANS AMERICAN)
SYSTEMS, INC., and RAJESH KALRA,)
)
Defendants.)

CIVIL ACTION NO.

**TEMPORARY RESTRAINING ORDER WITH ASSET FREEZE,
ORDER PERMITTING EXPEDITED DISCOVERY, ORDER APPOINTING A
TEMPORARY RECEIVER AND APPOINTMENT OF A HERETOFOR UNKNOWN**

Plaintiffs, Federal Trade Commission and People of the State of New York, pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), Section 63(12) of New York Executive Law, and Article 22-A of New York General Business Law ("GBL") filed a complaint for permanent injunction and other relief, including consumer redress, and applied for a temporary restraining order with asset freeze, order permitting expedited discovery, order appointing a temporary Receiver, and for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, and for a permanent Receiver. The Court has considered the pleadings, declarations, exhibits, and memoranda filed in support of Plaintiffs' application and makes the following findings of fact:

1. This Court has jurisdiction of the subject matter of this case, and there is good cause to believe it will have jurisdiction over all parties.
2. There is good cause to believe that Defendants Trans-Asian Communications, Inc., Raj Telekom, Inc., Trans American Systems, Inc., and Rajesh Kalra have engaged in and are likely to engage in acts and practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a) and New York: Executive Law Section 63(12) and GBL Article 22-A, and that the Plaintiffs are likely to prevail on the merits of this action.
3. There is good cause to believe that irreparable harm would result in the event of Defendants' continued violations of Section 5(a) of the Federal Trade Commission Act, Section 63(12) of the New York Executive Law, and Article 22-A of the New York GBL and that immediate and irreparable damage to the Court's ability to grant effective final relief for consumers in the form of monetary redress would occur from the sale, transfer, assignment, or other disposition or concealment by Defendants of their assets or records unless Defendants are

immediately restrained and enjoined by Order of this Court. There is thus good cause for issuing this Order pursuant to Federal Rule of Civil Procedure 65(b).

4. Good cause exists for the appointment of a temporary Receiver.

5. Weighing the equities and considering the Plaintiffs' likelihood of success in its causes of action, this Temporary Restraining Order is in the public interest.

ORDER

Definitions

A. "Assets" means any legal or equitable interest in, right to, or claim to, any real and personal property, including but not limited to chattel, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, receivables, and all cash, wherever located.

B. "Document" is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a) and includes writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

C. "Named Defendants" means Trans-Asian Communications, Inc. ("Trans-Asian"), Raj Telekom, Inc. ("Raj Telekom"), Trans American Systems, Inc. ("Trans American"), and Rajesh Kalra ("Kalra"), and each of them.

D. "Defendants" means the Named Defendants and their successors, assigns, officers, agents, servants, employees, attorneys, and all persons or entities directly or indirectly under their

control or under common control with them, and all other persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device.

I. PROHIBITED BUSINESS ACTIVITIES

IT IS THEREFORE ORDERED that Defendants are hereby temporarily restrained and enjoined from:

A. Falsely representing, expressly or by implication, that consumers or distributors of their prepaid phone cards will, promptly after Defendants' receipt of payment, receive cards enabling consumers to make prepaid international calls from the United States;

B. Falsely representing, expressly or by implication, that consumers or distributors of their prepaid phone cards will receive toll free access numbers enabling consumers to make prepaid international calls from the United States;

C. Falsely representing to consumers or distributors, expressly or by implication, that Defendants' prepaid phone cards will be reduced in value for minutes of calling time only after the party called answers the phone and until either party to the call hangs up or is disconnected;

D. Falsely representing to consumers or distributors, expressly or by implication, that Defendants' prepaid phone cards will be reduced in value only at the advertised per minute rates; and

E. Falsely representing, expressly or by implication, that Defendants will, within a reasonable time after request, provide dissatisfied consumers or distributors with refunds or with viable replacement prepaid phone cards in exchange for nonfunctioning prepaid phone cards.

II. ASSET FREEZE

IT IS FURTHER ORDERED that Defendants are hereby temporarily restrained and enjoined from, directly or indirectly:

A. Transferring, liquidating, converting, encumbering, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, pledging or otherwise disposing of any funds, credit instruments, real or personal property, accounts, contracts, shares of stock or other assets, wherever located, that are:

1. Owned or controlled by defendants Trans-Asian, Raj Telekom, Trans American, and Kalra, or their affiliates or subsidiaries, in whole or in part, including but not limited to:

(a) any account at Broadway National Bank, including, but not limited to, Bank Account No. 026-00-3272;

(b) any account at Marine Midland Bank, including, but not limited to, Bank Account Nos. 007-88-1584 and 007-88-1606;

2. In the actual or constructive possession of defendants Trans-Asian, Raj Telekom, Trans American Systems, or Kalra, or their affiliates or subsidiaries; or

3. Owned, controlled by, or in the actual or constructive possession of any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by or under common control with Trans-Asian, Raj Telekom, Trans American, or Kalra.

B. Opening or causing to be opened any safe deposit boxes titled in the name of defendants Trans-Asian, Raj Telekom, Trans American, or Kalra, or their affiliates or subsidiaries, or subject to access by any of these defendants.

C. Notwithstanding the provisions of this Paragraph, Defendants may make transfers as directed by any temporary Receiver appointed by this Court, or as otherwise ordered by this Court upon proper showing and after notice to the Plaintiffs.

D. The assets affected by this Paragraph shall include both existing assets and assets acquired after the effective date of this Order.

III. FINANCIAL REPORTS

IT IS FURTHER ORDERED that defendants Trans-Asian, Raj Telekom, Trans American, and Kalra shall each, within forty-eight hours after service of this Order, prepare and deliver to this Court and to counsel for the Plaintiffs:

A. A schedule, verified under oath, identifying the nature, location, source, and dollar value, estimated if necessary and including any encumbrances, of each asset or piece of property with an estimated value of \$500 or more that is owned or held directly or indirectly, of record or beneficially, by each Named Defendant;

B. A schedule, verified under oath, identifying all transfers or assignments of assets or property worth \$500 or more since July 1, 1994, including the name of each transferee or assignee, the nature and value of the asset or property involved, the date of the assignment or transfer, and the nature and amount of any consideration provided to the Named Defendant.

Each schedule required by this Paragraph shall specify the name and address of each financial institution and brokerage firm at which any defendant has accounts or safe deposit boxes. Said schedules shall include assets held in foreign countries as well as domestically.

IV. PRESERVATION OF RECORDS

IT IS FURTHER ORDERED that Defendants are hereby temporarily restrained and enjoined from destroying, erasing, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any documents that relate to the business practices or business or personal finances of any Named Defendant.

V. RECORD KEEPING/BUSINESS OPERATIONS

IT IS FURTHER ORDERED that the Named Defendants are hereby temporarily restrained and enjoined from:

- A. Failing to create and maintain documents that, in reasonable detail, accurately, fairly, and completely reflect their incomes, disbursements, transactions, and use of money; and
- B. Creating, operating, or exercising any control over any business entity, including any partnership, limited partnership, joint venture, sole proprietorship or corporation, without first providing the Plaintiffs with a written statement disclosing: (1) the name of the business entity; (2) the address and telephone number of the business entity; (3) the names of the business entity's officers, directors, principals, managers, and employees; and (4) a detailed description of the business entity's intended activities.

VI. SERVICE OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that the Named Defendants shall immediately provide a copy of this Order to each affiliate, subsidiary, division, sales entity, successor, assign, officer, director, employee, independent contractor, agent, attorney, and representative of the Named Defendants, and shall, within ten days from the date of entry of this Order, provide the Plaintiffs with a sworn statement that the Named Defendants have complied with this provision of the

Order, which statement shall include the names and addresses of each such person or entity who received a copy of the Order. A temporary Receiver has no obligations under this paragraph.

VII. APPOINTMENT OF TEMPORARY RECEIVER

IT IS FURTHER ORDERED that _____ is appointed temporary Receiver for Trans-Asian, Raj Telekom, Trans American, and any affiliates or subsidiaries of these corporations that any Named Defendant controls (hereinafter referred to as the "Receivership Defendants"), with the full power of an equity receiver. The Receiver shall be the agent of this Court and solely the agent of this Court in acting as Receiver under this Order. The Receiver shall be accountable directly to this Court. The Receiver shall comply with all Local Rules of this Court governing receivers.

VIII. RECEIVERSHIP DUTIES

IT IS FURTHER ORDERED that the Receiver is directed and authorized to accomplish the following:

A. Assume full control of the Receivership Defendants by removing, as the Receiver deems necessary or advisable, any director, officer, independent contractor, employee, or agent of any of the Receivership Defendants, including any Named Defendant, from control of, management of, or participation in, the affairs of the Receivership Defendants;

B. Take exclusive custody, control, and possession of all assets and documents of, or in the possession, custody, or under the control of, the Receivership Defendants, wherever situated, including at 1170 Broadway, Suites 707 & 1208, 246 Fifth Ave., Suite 609, and 290 Third Ave., Suite 20A, New York, New York. The Receiver shall have full power to divert mail and to sue for, collect, receive, take in possession, hold, and manage all assets and documents of

the Receivership Defendants and other persons or entities whose interests are now held by or under the direction, possession, custody, or control of the Receivership Defendants. Provided, however, the Receiver shall not attempt to collect, without prior court approval, any amount from a consumer if the Receiver believes the consumer was a victim of the deceptive acts or practices alleged in the Complaint in this matter;

C. Take all steps necessary to secure the assets and documents of the Receivership Defendants wherever located. Such steps may include, but are not limited to, the following as the Receiver deems necessary or advisable: (1) serving and filing this Order, (2) completing a written inventory of all receivership assets, (3) obtaining pertinent information from all employees and other agents of the Receivership Defendants, including, but not limited to, the name, home address, social security number, job description, method of compensation, and all accrued and unpaid commissions and compensation of each such employee or agent, (4) videotaping all portions of the location, (5) disconnecting any computer modems or other means of access to the computer or other records maintained at that location, or (6) requiring any persons present on the premises at the time this Order is served to provide the Receiver with proof of identification, or to demonstrate to the satisfaction of the Receiver that such persons are not removing from the premises documents or assets of the Receivership Defendants, and removing the assets and documents of the Receivership Defendants if necessary, for their security;

D. Conserve, hold, and manage all receivership assets, and perform all acts necessary or advisable to preserve the value of those assets, in order to prevent any irreparable loss, damage, or injury to consumers or to creditors of the Receivership Defendants, including but not

limited to, obtaining an accounting of the assets and preventing transfer, withdrawal, or misapplication of assets;

E. Enter into contracts as advisable or necessary;

F. Prevent the inequitable distribution of assets, and determine, adjust, and protect the interests of consumers and creditors who have transacted business with the Receivership Defendants;

G. Manage and administer the business of the Receivership Defendants until further order of this Court by performing all incidental acts that the Receiver deems to be advisable or necessary, which includes retaining, hiring, or dismissing any employees, independent contractors, or agents;

H. Choose, engage, and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists as the Receiver deems advisable or necessary in the performance of duties and responsibilities under the authority granted by this Order;

I. Make payments and disbursements from the receivership estate that are necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order. The Receiver shall apply to the Court for prior approval of any payment of any debt or obligation incurred by the Receivership Defendants prior to the date of entry of this Order, except payments that the Receiver deems necessary or advisable to secure assets of the Receivership Defendants, such as rental payments;

J. Determine and implement the manner in which the Receivership Defendants will comply with, and prevent violations of, this Order and all other applicable laws, including but not limited to revising sales materials and implementing monitoring procedures;

K. Institute, compromise, adjust, appear in, intervene in, or become party to such actions or proceedings in state, federal, or foreign courts that the Receiver deems necessary and advisable to preserve or recover the assets of the Receivership Defendants or that the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order;

L. Defend, compromise, adjust, or otherwise dispose of any or all actions or proceedings instituted in the past or in the future against the Receiver in his role as Receiver or against the Receivership Defendants that the Receiver deems necessary and advisable to preserve the assets of the Receivership Defendants or that the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order;

M. Issue subpoenas to obtain documents and records pertaining to the receivership, and conduct discovery in this action on behalf of the receivership estate;

N. Open one or more bank accounts as designated depositories for funds of each of the Receivership Defendants. The Receiver shall deposit all funds of each Receivership Defendant in such a designated account and shall make all payments and disbursements from the receivership estate from such an account; and

O. Maintain accurate records of all receipts and expenditures that he or she makes as Receiver.

IX. COOPERATION WITH THE RECEIVER

IT IS FURTHER ORDERED that Defendants shall fully cooperate with and assist the Receiver. Defendants' cooperation and assistance shall include, but not be limited to, providing any information to the Receiver that the Receiver deems necessary to exercising the authority and discharging the responsibilities of the Receiver under this Order; providing any password required to access any computer or electronic files in any medium; and advising all persons who owe money to the Receivership Defendants that all debts should be paid directly to the Receiver.

Defendants are hereby restrained and enjoined from directly or indirectly:

- A. Transacting any of the business of the Receivership Defendants;
- B. Destroying, secreting, defacing, transferring, or otherwise altering or disposing of any documents of the Receivership Defendants, including but not limited to, books, records, accounts, or any other papers of any kind or nature;
- C. Transferring, receiving, altering, selling, encumbering, pledging, assigning, liquidating, or otherwise disposing of any assets owned, controlled, or in the possession or custody of, or in which an interest is held or claimed by, the Receivership Defendants or the Receiver;
- D. Excusing debts owed to the Receivership Defendants;
- E. Failing to notify the Receiver of any asset, including accounts, of a Receivership Defendant held in any name other than the name of the Receivership Defendant or by any person or entity other than the Receivership Defendant, or failing to provide any assistance or information requested by the Receiver in connection with obtaining possession, custody, or control of such assets; or

F. Doing any act or refraining from any act whatsoever to interfere with the Receiver's taking custody, control, possession, or managing of the assets or documents subject to this receivership; or to harass or interfere with the Receiver in any way; or to interfere in any manner with the exclusive jurisdiction of this Court over the assets or documents of the Receivership Defendants; or to refuse to cooperate with the Receiver or the Receiver's duly authorized agents in the exercise of their duties or authority under any Order of this Court.

X. DELIVERY OF RECEIVERSHIP PROPERTY

IT IS FURTHER ORDERED that:

A. Immediately upon service of this Order upon them or within a period permitted by the Receiver, Defendants or any other person or entity shall transfer or deliver possession, custody, and control of the following to the Receiver:

1. All assets of the Receivership Defendants;
2. All documents of the Receivership Defendants, including but not limited to, books and records of accounts, all financial and accounting records, balance sheets, income statements, bank records (including monthly statements, canceled checks, records of wire transfers, and check registers), customer lists, call detail or any other records of consumer calls, title documents, consumer and distributor complaints, and other papers;
3. All assets belonging to members of the public now held by the Receivership Defendants; and
4. All keys and codes necessary to gain or to secure access to any assets or documents of the Receivership Defendants, including but not limited to, access to their

business premises, means of communication, accounts, computer systems, or other property.

B. In the event any person or entity fails to deliver or transfer any asset or otherwise fails to comply with any provision of this Paragraph, the Receiver may file an Affidavit of Non-Compliance regarding the failure. Upon filing of the affidavit, the Court may authorize, without additional process or demand, Writs of Possession or Sequestration or other equitable writs requested by the Receiver. The writs shall authorize and direct the United States Marshal or any sheriff or deputy sheriff of any county (pursuant to Federal Rule of Civil Procedure 4(c)(2)) to seize the asset, document, or other thing and to deliver it to the Receiver.

XI. BANKRUPTCY PETITIONS

IT IS FURTHER ORDERED that, in light of the appointment of the Receiver, the Receivership Defendants are hereby prohibited from filing, or causing to be filed, a petition for relief under the United States Bankruptcy Code, 11 U.S.C. § 101 *et seq.*, without prior permission from this Court.

XII. TRANSFER OF FUNDS TO THE RECEIVER

IT IS FURTHER ORDERED that, upon service of a copy of this Order, all banks, broker-dealers, savings and loans, escrow agents, title companies, commodity trading companies, or other financial institutions shall cooperate with all reasonable requests of the Receiver relating to implementation of this Order, including transferring funds at his or her direction and producing records related to the assets of the Receivership Defendants.

XIII. STAY OF ACTIONS

IT IS FURTHER ORDERED that:

A. Except by leave of this Court, during pendency of the receivership ordered herein, Defendants and all vendors, principals, investors, creditors, stockholders, lessors, and other persons and entities seeking to establish or enforce any claim, right, or interest against, or on behalf of, or in the name of, any of the Receivership Defendants, or any of their subsidiaries or affiliates, and all others acting for or on behalf of such persons, including attorneys, trustees, agents, sheriffs, constables, marshals, and other officers and their deputies, and their respective attorneys, servants, agents and employees be and are hereby stayed from:

1. Commencing, prosecuting, continuing, entering, or enforcing any suit or proceeding, except that such actions may be filed to toll any applicable statute of limitations;
2. Accelerating the due date of any obligation or claimed obligation; filing or enforcing any lien; taking or attempting to take possession, custody, or control of any asset; attempting to foreclose, forfeit, alter, or terminate any interest in any asset, whether such acts are part of a judicial proceeding, are acts of self-help, or otherwise;
3. Executing, issuing, serving, or causing the execution, issuance, or service of any legal process, including but not limited to attachments, garnishments, subpoenas, writs of replevin, writs of execution, or any other form of process whether specified in this Order or not; or
4. Doing any act or thing whatsoever to interfere with the Receiver's taking custody, control, possession, or management of the assets or documents subject to this

receivership, or to harass or interfere with the Receiver in any way, or to interfere in any manner with the exclusive jurisdiction of this Court over the assets or documents of the Receivership Defendants.

B. This paragraph does not stay:

1. The commencement or continuation of a criminal action or proceeding;
2. The commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power;
3. The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power;
4. The commencement of any action by the Secretary of the United States Department of Housing and Urban Development to foreclose a mortgage or deed of trust in any case in which the mortgage or deed of trust held by the Secretary is insured or was formerly insured under the National Housing Act and covers property, or combinations of property, consisting of five or more living units; or
5. The issuance to a Receivership Defendant of a notice of tax deficiency.

C. Except as otherwise provided in this Order, all persons and entities in need of documentation from the Receiver shall in all instances first attempt to secure such information by submitting a formal written request to the Receiver, and, if such request has not been responded to within thirty days of receipt by the Receiver, any such person or entity may thereafter seek an Order of this Court with regard to the relief requested.

XIV. COMPENSATION OF TEMPORARY RECEIVER

IT IS FURTHER ORDERED that the temporary Receiver and all personnel hired by the temporary Receiver as herein authorized, including counsel to the temporary Receiver and accountants, are entitled to reasonable compensation for the performance of duties pursuant to this Order and for the cost of actual out-of-pocket expenses incurred by them, from the assets now held by, or in the possession or control of, or which may be received by the Receivership Defendants. The temporary Receiver shall file with the Court and serve on the parties periodic requests for the payment of such reasonable compensation, with the first such request filed no more than sixty days after the date of this Order. The temporary Receiver shall not increase the hourly rates used as the bases for such fee applications without prior approval of the Court.

XV. WITHDRAWAL OF TEMPORARY RECEIVER

IT IS FURTHER ORDERED that the temporary Receiver and any professional retained by the temporary Receiver, including but not limited to his or her attorneys and accountants, be and are hereby authorized to withdraw from their respective appointments or representations at any time after the date of this Order, for any reason in their sole and absolute discretion, by sending written notice of their intention to withdraw to the Court and to counsel for the Plaintiffs, and such Receiver and professionals shall be relieved of all liabilities and responsibilities from the date of such notice or withdrawal.

XVI. RECEIVER'S BOND

IT IS FURTHER ORDERED that the Receiver shall file with the Clerk of this Court, within seven days of entry of this Order, a bond in the sum of _____ with sureties to be

approved by the Court, on the condition that the Receiver will well and truly perform the duties of the office and abide by and perform all acts the Court directs.

XVII. SERVICE OF ORDER

IT IS FURTHER ORDERED that copies of this Order may be served by first class mail, overnight delivery, facsimile, or personally by employees or agents of the Plaintiffs or any Receiver designated herein, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of any Named Defendant, or that may be subject to any provision of this Order.

XVIII. CONSUMER CREDIT REPORTS

IT IS FURTHER ORDERED that, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(1), any consumer reporting agency may furnish a consumer report concerning any of the Named Defendants to the Plaintiffs.

XIX. RETENTION OF ASSETS AND RECORDS

IT IS FURTHER ORDERED that, pending determination of the Plaintiffs' request for a preliminary injunction, any financial or brokerage institution, business entity, or person served with a copy of this Order that holds, controls, or maintains custody of any account or asset of the Named Defendants, or their affiliates or subsidiaries, or has held, controlled, or maintained custody of any such account or asset at any time since July 1, 1994, shall:

- A. Prohibit the Defendants from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting, selling, or otherwise disposing of any such account or asset except:
 - 1. As directed by further order of the Court;

2. For specific transfers authorized in writing by counsel for the Plaintiffs; or
 3. As directed by the temporary Receiver (regarding assets held in the name of or for the benefit of the Receivership Defendants);
- B. Deny Defendants access to any safe deposit box that is:
1. Titled in the name of any Named Defendants, or their affiliates or subsidiaries, either individually or jointly; or
 2. Otherwise subject to access by any of the Named Defendants, or their affiliates or subsidiaries;
- C. Provide counsel for the Plaintiffs and the temporary Receiver, within five business days of receiving a copy of this Order, a sworn statement setting forth:
1. The identification number of each such account or asset titled in the name, individually or jointly, of Trans-Asian Communications, Inc., Raj Telekom, Inc., Trans American Systems, Inc., or Rajesh Kalra, or their affiliates or subsidiaries, or held on behalf of, or for the benefit of, any such defendant;
 2. The balance of each such account or a description of the nature and value of such asset as of the time this Order is served, and, if the account or other asset has been closed or removed, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or other asset was remitted; and
 3. The identification of any safe deposit box that is either titled in the name, individually or jointly, of Trans-Asian Communications, Inc., Raj Telekom,

Inc., Trans American Systems, Inc., or Rajesh Kalra, or their affiliates or subsidiaries, or is otherwise subject to access by any such defendant;

- D. Upon request by the temporary Receiver or the Plaintiffs, promptly provide the temporary Receiver and the Plaintiffs with copies of all records or other documentation pertaining to such account or asset, including but not limited to, originals or copies of account applications, account statements, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs; and
- E. Cooperate with all reasonable requests of the temporary Receiver relating to implementation of this Order, including transferring funds at the Receiver's direction and producing records related to the accounts of Rajesh Kalra or the Receivership Defendants.

XX. EXPEDITED DISCOVERY

IT IS FURTHER ORDERED that the Plaintiffs and the temporary Receiver are granted leave at any time after service of this Order to (1) take the deposition of any person or entity for the purpose of discovering the nature, location, status, and extent of assets of the Named Defendants or their affiliates or subsidiaries, the nature and location of documents reflecting the business transactions of these Defendants, and the applicability of any evidentiary privileges to this action, and to (2) demand the production of documents from any person or entity relating to the nature, status, and extent of these Defendants' assets, the location of documents reflecting the business transactions of these Defendants, and the applicability of any evidentiary privileges to this

action. Forty-eight hours notice shall be deemed sufficient for any such deposition, and five days notice shall be deemed sufficient for the production of any such documents. The limitations and conditions set forth in Federal Rule of Civil Procedure 30(a)(2)(B) regarding subsequent depositions of an individual shall not apply to depositions taken pursuant to this Paragraph.

XXI. SERVICE OF PLEADINGS

IT IS FURTHER ORDERED that the parties shall serve all memoranda, affidavits, and other evidence on which they intend to rely at the preliminary injunction hearing set in this matter not later than ____m. of the ____ business day prior to the hearing date. Service on the Plaintiffs shall be performed by personal delivery to the attention of counsel at (1) the Federal Trade Commission, New York Regional Office, 150 William Street, Suite 1300, New York, New York 10038, or by facsimile transmission to (212) 264-0459 and (2) the New York State Department of Law, 120 Broadway, 3rd Floor, New York, NY 10271, or by facsimile transmission to 212-416-6003.

XXII. WITNESS IDENTIFICATION

IT IS FURTHER ORDERED that, if any party to this action intends to present the testimony of any witness at the hearing on a preliminary injunction in this matter, that party shall, at least forty-eight hours prior to the scheduled date and time of hearing, file with this Court and serve on all other parties a statement disclosing the name, address, and telephone number of any such witness and either a summary of the witness' expected testimony or the witness' affidavit revealing the substance of such witness' expected testimony. Service on the Commission shall be performed by delivery to the attention of counsel at the Federal Trade Commission, New York Regional Office, 150 William Street, Suite 1300, New York, New York 10038, or by facsimile

transmission to (212) 264-0459. Service on the State of New York shall be performed by delivery to the attention of counsel at the New York State Department of Law, 120 Broadway, 3rd Floor, New York, NY 10271, or by facsimile transmission to 212-416-6003.

XXIII. DURATION OF TEMPORARY RESTRAINING ORDER

IT IS FURTHER ORDERED that the Temporary Restraining Order granted herein shall expire on _____, 1997, unless, within such time, the Order, for good cause shown, is extended for an additional period not to exceed ten days, or unless it is further extended pursuant to Federal Rule of Civil Procedure 65.

XXIV. APPLICATION FOR A PRELIMINARY INJUNCTION

IT IS FURTHER ORDERED that, pursuant to Federal Rule of Civil Procedure 65, each of the Named Defendants shall appear before this Court on the ____ day of _____, 1997, at _____ o'clock ____m., at the United States courthouse located at _____, Room _____, to show cause, if there is any, why this Court should not appoint a permanent Receiver and enter a preliminary injunction, pending final ruling on the Complaint against Defendants, enjoining them from further violations of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a) and New York State: Executive Law Section 63(12) and GBL Article 22-A, continuing the freeze of their assets and imposing such additional relief as may be appropriate.

XXV. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

No security is required of any agency of the United States for the issuance of a restraining order. Fed. R. Civ. P. 65(c).

SO ORDERED, this _____ day of _____, 1997, at _____m.

UNITED STATES DISTRICT JUDGE